

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1095

Introduced by Assembly Member Bill Berryhill

February 18, 2011

~~An act to amend Section 40800 of the Health and Safety Code, relating to air pollution. An act to add Chapter 9 (commencing with Section 39950) to Part 2 of Division 26 of the Health and Safety Code, relating to air pollution.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1095, as amended, Bill Berryhill. Air pollution: hearing ~~boards~~. *board: State Air Resources Board.*

Existing law grants air pollution control districts and air quality management districts the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law establishes one or more hearing boards in each district for the purposes of performing specified functions, including issuing interim variances from specified provisions of law relating to excess emissions. *Existing law grants the State Air Resources Board with authority over the regulation of emissions from motor vehicles and emissions of greenhouse gases.*

~~This bill would make technical, nonsubstantive changes to this provision.~~

This bill would require the creation of a hearing board within the state board, based on the provisions applicable to district hearing boards.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Chapter 9 (commencing with Section 39950) is*
2 *added to Part 2 of Division 26 of the Health and Safety Code, to*
3 *read:*

4
5 *CHAPTER 9. HEARING BOARD*
6

7 39950. *There shall be a hearing board within the state board.*
8 *The provisions of Chapter 8 (commencing with Section 40800) of*
9 *Part 3 shall apply to the hearing board created pursuant to this*
10 *section, to the extent those provisions can be made applicable.*

11 ~~SECTION 1. Section 40800 of the Health and Safety Code is~~
12 ~~amended to read:~~

13 ~~40800. (a) There is continued in existence and shall be, in each~~
14 ~~district, one or more hearing boards consisting of five members~~
15 ~~each, as specified in Section 40801, appointed by the district board.~~

16 ~~(b) The district board may also appoint one alternate for each~~
17 ~~member. The alternate shall have the same qualifications, specified~~
18 ~~in Section 40801, as the member for whom the person is the~~
19 ~~alternate. The alternate may serve only in the absence of the~~
20 ~~member, and for the same term as the member.~~

21 ~~(c) An alternate shall not hold any of the single member hearings~~
22 ~~authorized by subdivision (c) of Section 40824, subdivision (c) of~~
23 ~~Section 40825, Section 42351.5, or Section 42359.5.~~